

IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF SOUTH CAROLINA
 ORANGEBURG DIVISION

Ragen A.T.G.,

Plaintiff,

v.

Kilolo Kijakazi, Acting Commissioner of the
 Social Security Administration,

Defendant.

C/A No. 5:22-cv-2155-SAL

ORDER

This matter is before the court on Plaintiff's¹ Motion for Attorney Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 (“EAJA”). [ECF No. 32 (the “Motion”).] On June 5, 2023, the court issued an order adopting without objection the Report and Recommendation that this case be reversed and that Plaintiff be awarded benefits. [ECF No. 30]. On June 26, 2023, Plaintiff filed the Motion seeking attorney fees of Seven Thousand Nine Hundred and Thirty-Five Dollars and 98/100 cents (\$7,935.98). [ECF No. 32.] The Commissioner subsequently filed the parties' Stipulation for an Award of Attorney's Fees Pursuant to the Equal Access to Justice Act (the “Stipulation”), which indicates the issue of the EAJA fees has been negotiated and settled by the parties, and the parties have “stipulated that Plaintiff . . . shall be awarded fees under the EAJA in the amount of Seven Thousand Dollars (\$7,000.00).” [ECF No. 33.]

Considering the parties' agreement as set forth in the Stipulation and Plaintiff's counsel's representations in the Motion, it is hereby ORDERED that Plaintiff is awarded Seven Thousand Dollars and 00/100 cents (\$7,000.00) in attorney's fees in accordance with and pursuant to 28 U.S.C. § 2412(d). This payment shall constitute a complete release from and bar to any further

¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended due to significant privacy concerns in social security cases that federal courts refer to claimants only by their first name and last initials in court opinions.

claims that Plaintiff may have under the EAJA to fees, costs, and expenses incurred in connection with disputing the Commissioner's decision. This award is without prejudice to the rights of Plaintiff's counsel to seek attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA.

EAJA fees awarded by this court belong to Plaintiff and are subject to offset under the Treasury Offset Program. 31 U.S.C. § 3716(c)(3)(B) (2006); *Astrue v. Ratliff*, 560 U.S. 586, 595–97 (2010). If such qualifying, pre-existing debt(s) exists, the Government will reduce the awarded fees in this Order to the extent necessary to satisfy those debts. Therefore, the court orders the EAJA fee be paid directly to Plaintiff through payment delivered to Plaintiff's counsel.²

IT IS SO ORDERED.

October 13, 2023
Columbia, South Carolina



Sherri A. Lydon
United States District Judge

²

Counsel may disburse these funds to satisfy valid liens or in accordance with a lawful assignment.
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